

Los Angeles Regional Water Quality Control Board

December 17, 2013

Mr. Antonio V. Gioiello
Chief Harbor Engineer
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

TENTATIVE WASTE DISCHARGE REQUIREMENTS BERTHS 163-164 MAINTENANCE DREDGING (FILE NO. 13-112)

Dear Mr. Gioiello:

We have completed our review of your application to this Board for renewal of waste discharge requirements for your proposed discharge of wastes. Enclosed are copies of tentative waste discharge requirements and a receiving water monitoring program for dredging and disposal of dredged material from the Port of Los Angeles Berths 163-164 Maintenance Dredging project within Los Angeles Harbor in San Pedro, Los Angeles County. A copy of our Standard Provisions, General Monitoring and Reporting Requirements (Attachment N) also is enclosed.

In accordance with the California Water Code, this Board, at a public meeting to be held on February 6, 2014, at 9:00 a.m., Metropolitan Water District Board Room, 700 N. Alameda St., Los Angeles, California, will consider the enclosed tentative requirements and comments submitted in writing regarding any or all portions thereof. The Board will hear any testimony pertinent to these discharges and the tentative requirements. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Board at its discretion may order further investigation.

Written submissions pertaining to this proposed Board action must be submitted to Board staff no later than 5:00 p.m. on **January 16, 2014**, in order to be evaluated by Board staff and included in the Board's agenda folder. Timely submittal of written comments is encouraged to ensure that all comments are accurately and fully included in the administrative record, that Board staff is able to provide timely review, and that Regional Water Board members have sufficient time to give full consideration to the comments and issues raised. The Board chair may exclude from the record written materials received after this date (See California Code of Regulations, Title 23, Section 648.4).

Should you have any questions, please telephone me at (213) 576-6718.



J. MICHAEL LYONS
Staff Environmental Scientist

Enclosures

Cc: Bill Orme, Non-point Source Unit, SWRCB
Jennifer Fordyce, Office of Chief Counsel, SWRCB
Larry Simon, California Coastal Commission (San Francisco)
Jack Gregg, California Coastal Commission (San Francisco)
Bill Paznokas, California Department of Fish and Wildlife (San Diego)
Daniel Swenson, U.S. Army Corps of Engineers (Los Angeles)
Theresa Stevens, U.S. Army Corps of Engineers (Ventura)
Allan Ota, U.S. Environmental Protection Agency (San Francisco)
Carol Roberts, U.S. Fish and Wildlife Service (Carlsbad)
Bryant Chesney, National Marine Fisheries Service (Long Beach)
Kirsten James, Heal the Bay
Peter Shellenbarger, Heal the Bay
Marco Sanchez, Port of Los Angeles
Kathryn Curtis, Port of Los Angeles

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER NO. R4-2014-XXXX

WASTE DISCHARGE REQUIREMENTS
FOR
PORT OF LOS ANGELES
(BERTHS 163-164 MAINTENANCE DREDGING)
(FILE NO. 13-112)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

1. The Port of Los Angeles (POLA) has filed an application for Waste Discharge Requirements for maintenance dredging operations at Berths 163-164 in Los Angeles Harbor, Los Angeles County (Figure 1).
2. POLA proposes to conduct maintenance dredging operations adjacent to the Nustar Energy and Ultramar industrial petroleum facilities located at Berths 163 and 164, respectively. These facilities are located in Slip 1 directly north of the Turning Basin in Los Angeles Harbor (Figure 1).
3. POLA proposes to dredge approximately 16,000 cubic yards of sediment from Berths 163-164 (Figures 2 and 3) to restore water depths to design levels of -40 feet mean lower low water (MLLW) (plus a two-foot overdredge allowance to -42 feet MLLW). The 16,000 cubic yards of dredged material will be disposed of at the POLA Confined Disposal Facility (CDF) located at Berths 243-245 (Figure 1). The CDF is bermed and storage cell areas are designed in a manner to contain the dredged material on the site and prevent escape of sediment and contaminants into adjacent harbor waters.
4. A sediment characterization study was conducted for Berths 163-164 on June 5, 2013. Core samples were collected at five locations within Area A near the wharf faces of Berths 163 and 164 (sampling stations designated as A-1, A-2, A-3, A-4 and A-5); the material from the five cores was combined into a single composite for grain size and chemical analyses (figure 4). Core samples also were collected at five locations within Area B in the channel offshore from Berths 163 and 164 (sampling stations designated as B-1, B-2, B-3, B-4 and B-5); the material from the five cores was combined into a single composite for grain size and chemical analyses (Figure 4).

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November 25, 2013

Table 1. Sediment Characteristics (2013) – Berths 163-164.

| Parameter | Composite A | Composite B | Sediment screening thresholds |
|-------------------------|-------------|-------------|-----------------------------------|
| Grain size: Sand/Gravel | 15.2 % | 4.2 % | |
| Grain size: Silt | 61.8 % | 68.0 % | |
| Grain size: Clay | 23.1 % | 27.8 % | |
| Silver | 0.318 ppm | 0.357 ppm | ERL = 1 ppm ERM = 3.7 ppm |
| Arsenic | 15.9 ppm | 19.7 ppm | ERL = 8.2 ppm ERM = 70 ppm |
| Cadmium | 0.739 ppm | 1.13 ppm | ERL = 1.2 ppm ERM = 9.6 ppm |
| Chromium | 48.6 ppm | 49.1 ppm | ERL = 81 ppm ERM = 370 ppm |
| Copper | 118 ppm | 118 ppm | ERL = 8.2 ppm ERM = 70 ppm |
| Mercury | 1.05 ppm | 0.89 ppm | ERL = 0.15 ppm ERM = 0.71 ppm |
| Nickel | 22.5 ppm | 29.5 ppm | ERL = 20.9 ppm ERM = 51.6 ppm |
| Lead | 112 ppm | 324 ppm | ERL = 46.7 ppm ERM = 218 ppm |
| Selenium | 0.728 ppm | 0.962 ppm | Not available |
| Zinc | 212 ppm | 580 ppm | ERL = 150 ppm ERM = 410 ppm |
| Total DDT | 20.0 ppb | 10.0 ppb | ERL = 1.58 ppb ERM = 46.1 ppb |
| Total PCB | 235.9 ppb | 137.5 ppb | ERL = 22.7 ppb ERM = 180 ppb |
| Total PAH | 11,720 ppb | 6,519 ppb | ERL = 4022 ppb ERM = 44792 ppb |

ppm = parts per million; ppb = parts per billion; DDT = dichloro-diphenyl-trichloroethane; PCB = polychlorinated biphenyls; PAH = polynuclear aromatic hydrocarbons; ERL – Effects Range-Low; ERM= Effects Range-Median

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Grain size analyses from Berths 163-164 areas indicated that the sediments are fine-grained and comprised predominantly of silt and clay (Composite A was 84.9 % silt-clay and Composite B was 95.8 % silt-clay). Composite A exceeded the concentration thresholds likely to cause toxicity (Effects Range-Median) to marine organisms for mercury and total PCB, while Composite A exceeded these thresholds for lead, mercury and zinc (Table 1). Composite A exceeded the concentration thresholds which possibly could cause toxicity (Effects Range-Low) to marine organisms for arsenic, copper, lead, nickel, zinc, total DDT and total PAH, while Composite B exceeded these thresholds for arsenic, copper, lead, total DDT, total PCB and total PAH (Table 1).

Given the high contaminant concentrations for several constituents in the sediments to be dredged from Areas A and B in the vicinity of Berths 163 and 164, toxicity testing and bioaccumulation testing were not performed. The contaminated sediments will be disposed of within the Port of Los Angeles' Berths 243-245 Confined Disposal Facility (CDF), which has been used in the past for disposal of contaminated sediments from the channel deepening project. The CDF is engineered for placement of contaminated sediments to sequester the material and prevent releases of contaminants to adjacent harbor waterways.

5. The United States Corps of Engineers (COE) has received permit application SPL-2013-00541-TS for the Berths 163-164 dredging project. The agency comment period ended on August 23, 2013. A final permit is expected to be issued after the COE receives the final Waste Discharge Requirements adopted by the Los Angeles Regional Water Quality Control Board.
6. On March 13, 2013, the City of Los Angeles Harbor Department determined that the Berths 163-164 maintenance dredging is exempt from the requirements of the California Environmental Quality Act in accordance with Article III, Class I (3). A Categorical Exemption was prepared and filed.
7. The Regional Board adopted a revised Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties on June 13, 1994. The Water Quality Control Plan contains water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order as they are met will be in conformance with the goals of the Water Quality Control Plan.
8. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), non-contact water recreation, commercial and sport fishing, marine habitat, shellfish

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harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting).

9. With proper management of the dredging and disposal operations, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters nor adversely impact beneficial uses.
10. Dredging and disposal operations will be accomplished through the use of temporary equipment. The Waste Discharge Requirements imposed below will not result in any significant increase in energy consumption.

The Regional Board has notified the Port of Los Angeles and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.

IT IS HEREBY ORDERED that the Port of Los Angeles, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Requirements

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect beneficial uses.
2. Enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
3. The natural taste and odor of fish, shellfish or other enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.
4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.

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6. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
 - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
 - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
 - c. Discoloration outside the immediate area of operation.
 - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
 - e. Objectionable odors emanating from the water surface.
 - f. Depression of dissolved oxygen concentrations below 5.0 mg/l at any time outside the immediate area of operation.
 - g. Any condition of pollution or nuisance.

B. Provisions

1. The Discharge Requirements specified above are valid only for dredging of a maximum of 16,000 cubic yards of sediment and soil, with disposal of the dredged material at Berths 243-245 Confined Disposal Facility
2. POLA shall notify the Regional Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; written confirmation shall follow within one week.
3. A copy of this Order shall be made available at all times to project construction personnel.

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4. POLA shall provide the following information to the Regional Board:
 - a. A copy of the final permit issued by the United States Corps of Engineers for the dredge and disposal operations.
 - b. The scheduled date of commencement of each dredging and disposal operation at least one week prior to initiation of dredging.
 - c. Notice of termination of dredging and disposal operations, within one week following the termination date.
5. POLA shall submit, under penalty of perjury, technical reports to the Regional Board in accordance with specifications prepared by the Executive Officer.
6. In accordance with section 13260(c) of the Water Code, POLA shall file a report of any material change or proposed change in the character, location, or volume of the waste.
7. These requirements do not exempt POLA from compliance with any other laws, regulations, or ordinances which may be applicable: they do not legalize this waste discharge, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
8. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.
9. This Order includes Attachment N: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated hereinbefore prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.

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10. This Order fulfills the requirements for a Clean Water Act Section 401 Water Quality Certification for the proposed project. Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:
- a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);
 - b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
 - c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.

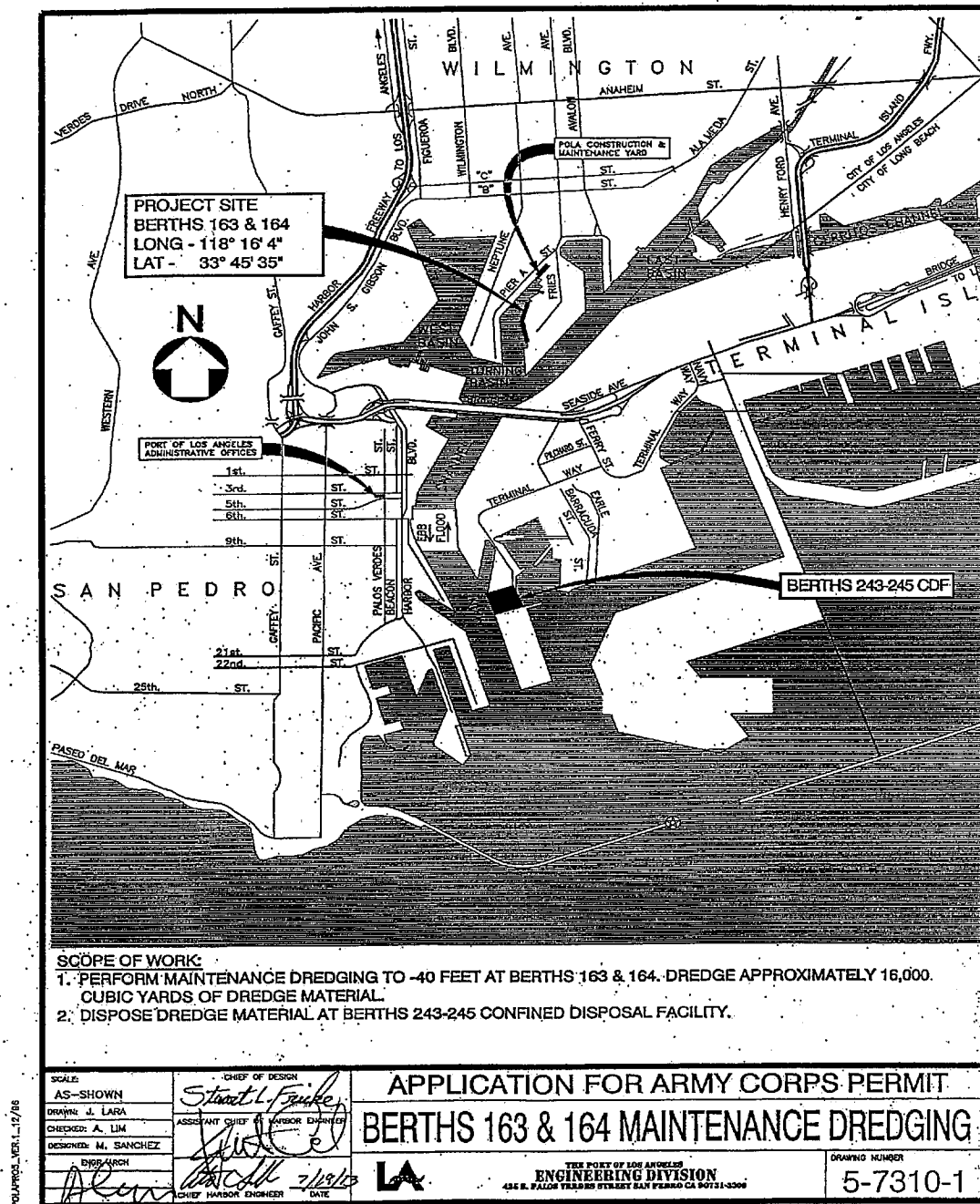
11. This Order shall expire on December 31, 2015.

I, Samuel Unger, P.E., Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on February 6, 2014.

SAMUEL UNGER, P.E.
Executive Officer

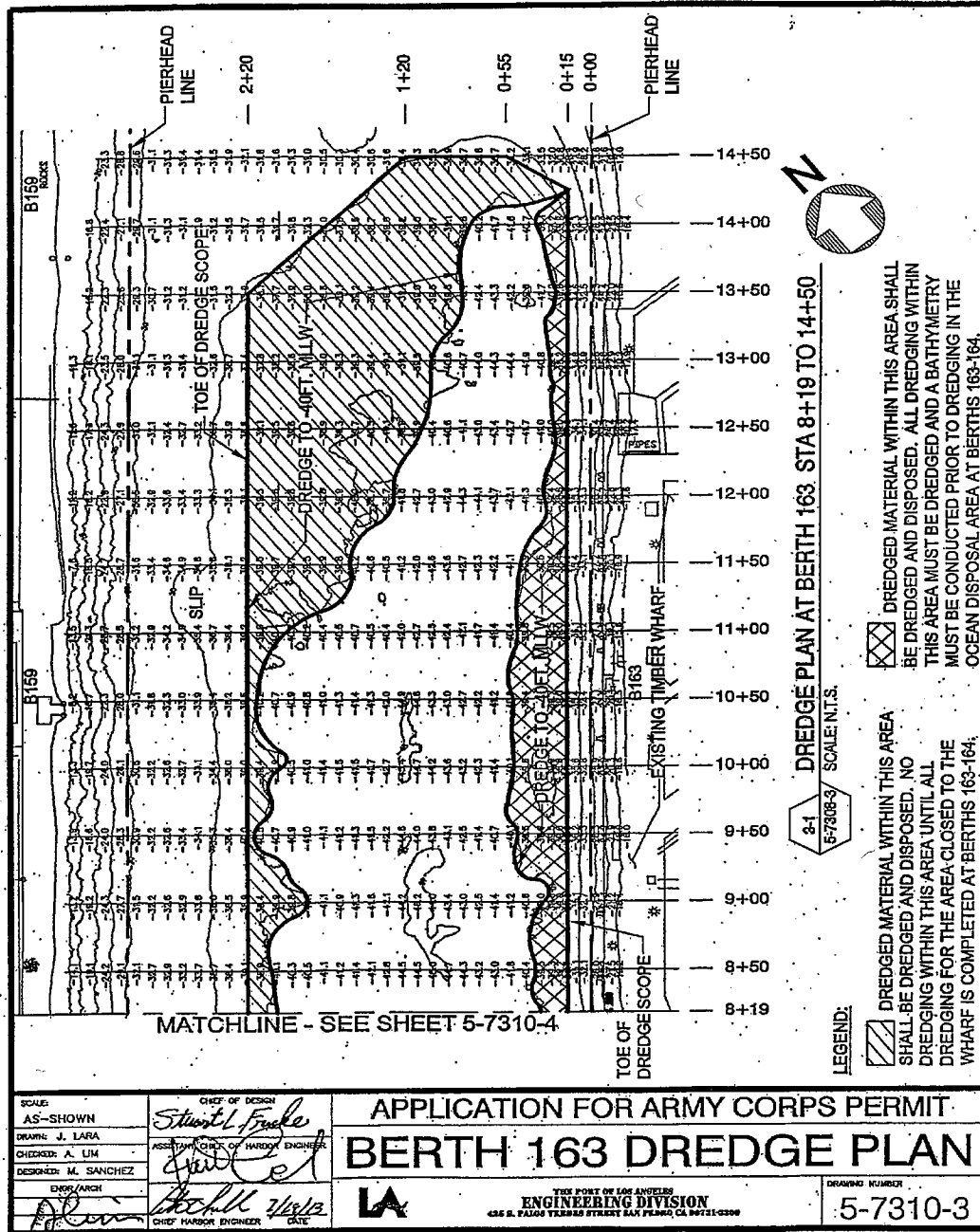
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Figure 1. Location map for Berths 163-164 dredging project in Los Angeles Harbor.

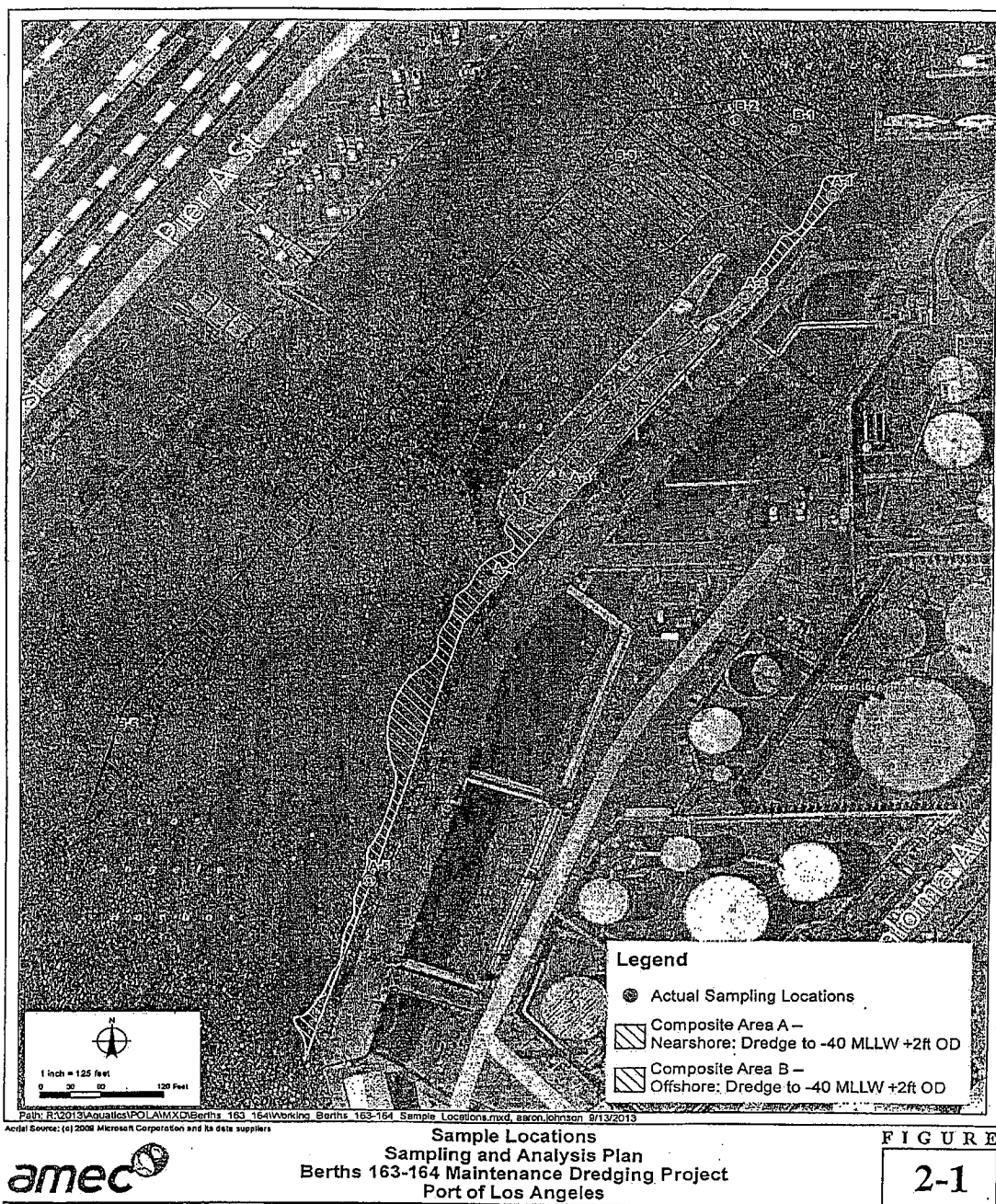


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Figure 2. Areas to be dredged at Berth 163.



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Figure 4. Sample locations for Berths 163-164 sediment characterization.

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. xxxx
FOR
PORT OF LOS ANGELES
(BERTHS 163-164 MAINTENANCE DREDGING)
(FILE NO. 13-112)

1. Receiving Water Monitoring

The following sampling protocol shall be undertaken by the Port of Los Angeles (POLA) during the proposed dredging project. Sampling for the receiving water monitoring shall commence at least one week prior to the start of the dredging and fill operations and continue at least one week following the completion of all such operations. Sampling shall be conducted a minimum of once a week during dredging operations. Sampling shall be conducted down current of the dredge sites at least one hour after the start of dredging operations. All receiving water monitoring data shall be obtained via grab samples or remote electronic detection equipment. Receiving water samples shall be taken at the following stations:

| <u>Station</u> | <u>Description</u> |
|----------------|--|
| A | Station A is located approximately 200 feet beyond the construction project boundary (Figure 1). This station represents an early-warning screening station to determine if Best Management Practices may need to be implemented. |
| B | Station B is located approximately 300 feet beyond the construction project boundary (Figure 1). This station defines the dredging mixing zone boundary, beyond which temporary water quality impacts related to dredging activities are not to occur. |
| C | Station C is located approximately 1,500 feet from the construction project boundary (figure 1). This station defines the harbor background and provides a baseline for comparison to determine if temporary water quality impacts are present at Station B. |

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Figure 1. Location of water quality monitoring stations.

The following shall constitute the receiving water monitoring program:

Water Column

| <u>Monitoring Parameters</u> | <u>Units</u> | <u>Station</u> | <u>Frequency</u> |
|----------------------------------|-----------------|----------------|---------------------|
| Dissolved oxygen ¹ | mg/l | A-E | Weekly ² |
| Light transmittance ¹ | % Transmittance | " " | " |
| pH ¹ | pH units | " " | " |
| Suspended solids ³ | mg/l | " " | " |

¹Measurements shall be taken throughout the water column (at a minimum, at 2-meter increments).

²During the first two weeks of dredging, stations shall be sampled two times per week.

³Mid-depth shall be sampled

Water column light transmittance values from Stations A and C, and from Stations B and C shall be compared for the near surface (1 meter below the surface), for mid-water (averaged values throughout the water column, excluding the near surface and bottom) and for the bottom (1 meter above the bottom). When the difference in % light transmittance between stations A and C (for the near surface, mid-water or bottom) is 30% or greater, POLA shall notify the contractor and implement additional BMPs to reduce turbidity. Stations B and C shall be resampled after BMPs have been in place for at least 2 hours. If after resampling, light transmittance values still exceed the 30% trigger, then water samples shall be collected on the first date of exceedance at mid-depth (or the depth at which the maximum turbidity occurs) and analyzed for trace metals, DDTs, PCBs and PAHs (these chemical analyses do not need to be performed on the second or third day following the first exceedance, but will be required on days two and three whenever subsequent exceedance events occur). At a minimum, one set of water samples shall be collected and analyzed for these chemical constituents during the first month of the dredging operation, even if no exceedances of the light transmittance criteria occur.

In the event that the water column light transmittance values from Stations B and C exceed the 30% trigger described above, POLA shall conduct light transmittance monitoring described above daily until two consecutive days with no exceedances have been demonstrated. POLA shall notify the Regional Board, the California Coastal Commission, the United States Environmental Protection Agency and the United States Army Corps of Engineers within 24 hours following observance of a transmissivity exceedance. POLA shall investigate whether the exceedance is due to obvious dredging operational problems and can be corrected easily and quickly. However, if the turbidity problem persists or recurs, POLA shall look for other causes of the problem and evaluate whether additional, more aggressive best management practices are required to eliminate the exceedances; this evaluation shall be performed in consultation with the four regulatory agencies listed above.

Color photographs shall be taken at the time of sampling to record the presence and extent of visible effects of dredging operations. These photographs shall be submitted with the receiving water monitoring reports.

POLA shall provide Regional Board staff with a receiving water monitoring program field schedule at least one week prior to initiating the program. Regional Board staff shall be notified of any changes in the field schedule at least 48 hours in advance.

2. Observations

The following receiving water observations shall be made and logged daily during dredging or excavating operations:

- a. Date and time;
- b. Direction and estimated speed of currents;
- c. General weather conditions and wind velocity;
- d. Tide stage;
- e. Appearance of trash, floatable material, grease, oil or oily slick, or other objectionable

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- materials;
- f. Discoloration and/or turbidity;
- g. Odors;
- h. Depth of dredge operations during previous day;
- i. Amount of material dredged the previous day;
- j. Cumulative total amount of material dredged to date.

3. General Provisions

All sampling, sample preservation, and analyses shall be performed in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants" promulgated by the United States Environmental Protection Agency.

All chemical analyses shall be conducted at a laboratory certified for such analysis by the California Department of Public Health, Environmental Laboratory Accreditation Program (ELAP), or approved by the Executive Officer.

POLA shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to insure accuracy of measurements, or shall insure that both activities will be conducted by third parties under POLA supervision.

A grab sample is defined as an individual sample collected in fewer than 15 minutes. All samples shall be representative of the waste discharge under normal operating conditions.

5. Reporting

Monitoring reports shall be submitted within 10 days following each weekly sampling period. In reporting, POLA shall arrange the monitoring data in tabular form so that dates, time, parameters, test data, and observations are readily discernible. The data shall be summarized to demonstrate compliance with the waste discharge requirements. A final report, summarizing the results of the weekly monitoring and reporting the total volume discharged, shall be submitted within one month of completion of the project.

Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements, as well as all excursions of effluent limitations.

Each monitoring report must affirm in writing that:

All analyses were conducted at a laboratory certified for such analyses by the California Department of Public Health or approved by the Executive Officer and in accordance with current EPA guidelines or as specified in the Monitoring Program.

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For any analysis performed for which no procedure is specified in the EPA guidelines or in the Monitoring Program, the constituent or parameter analyzed and the method or procedure used must be specified in the report.

6. General Provisions for Reporting

For every item where the requirements are not met, POLA shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time and submit a timetable for correction.

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Executed on the _____ day of _____, 20____,
at _____.

_____(Signature)

_____(Title)"

These records and reports are public documents and shall be made available for inspection during business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:

Samuel Unger, P.E.
Executive Officer

Date: February 6, 2014

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